

Doc. 538B
212-697-3950
Alan Israel

09/651,844

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.ATTORNEYS AT LAW
PATENT, TRADEMARK AND COPYRIGHT CAUSESDAVID B. KIRSCHSTEIN
ALAN ISRAEL
MARTIN W. SCHIFFMILLER
LISA A. PIERONI489 FIFTH AVENUE
NEW YORK, N. Y. 10017-6105

(212) 697-3750

FACSIMILE: (212) 949-1690

MORRIS KIRSCHSTEIN
(1918-1978)BERTRAM OTTINGER
(1937-1986)

Writer's e-mail: ai@kirschsteinlaw.com

FACSIMILE COVER SHEET

April 22, 2005

PLEASE DELIVER THE FOLLOWING PAGES TO:NAME : MS. OLLIE PERSONCOMPANY : U.S. PTOFROM : ALAN ISRAEL - LORI WITKINFACSIMILE NO.: (703) 308-6642TOTAL NUMBER OF PAGES
INCLUDING COVER LETTER: 8

09/651,844

Re: Serial No.: ~~89589,514~~ (Herrod)

Pursuant to our telephone conversation, Mr. Herrod is the sole inventor for this application in which we submitted a Preliminary Amended deleting the other two inventors. Enclosed is a copy of the Preliminary Amendment section relating to this matter (Remarks) and also enclosed is a copy of the original Declaration and Power of Attorney along with the Associate Power of Attorney & Change of Correspondence Address.

Please call me if you have any questions and thank you for your assistance in this matter.




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09/651,844

Docket No. 0338-B

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on
December 20, 2000
(date) 
Alan Israel
Reg. No. 27,564

In re: Application of : Allan HERROD
Serial No. : 09/~~589,514~~ 09/651,844 Group Art Unit: 2712
Filed : June 8, 2000 Examiner: T. Ho
For : LINK COST MINIMIZATION FOR PORTABLE WIRELESS
TERMINAL CONNECTABLE TO THE INTERNET

New York, New York
December 20, 2000

PRELIMINARY AMENDMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Prior to examination, please amend this application as follows:

IN THE TITLE:

Please change the title to read as follows:

-- LINK COST MINIMIZATION FOR PORTABLE WIRELESS
TERMINAL CONNECTABLE TO THE INTERNET --.

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Reg. No. 22,540; Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; and also to SYMBOL TECHNOLOGIES, INC., Daniel R. McGlynn, Reg. No. 26,570. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005, Telephone No. (202) 408-4000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF FIRST INVENTOR ALLAN Alana HERROD	INVENTOR'S SIGNATURE <i>Alana Herrod</i>	DATE 10/3/97
RESIDENCE 20 Hickory Lane Farmingville, NY 11738		COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		
FULL NAME OF SECOND INVENTOR Mehul PATEL	INVENTOR'S SIGNATURE <i>Mehul Patel</i>	DATE 10/6/97
RESIDENCE 5 Scott Ct. Ft. Salonga NY 11768 78 Scarlett Drive Commack NY 11725		COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		
FULL NAME OF THIRD INVENTOR Jerome SWARTZ	INVENTOR'S SIGNATURE <i>Jerome Swartz</i>	DATE 10/22/97
RESIDENCE 199 Old Field Road Old Field, NY 11733		COUNTRY OF CITIZENSHIP United States
POST OFFICE ADDRESS Same as above		

09/651,844

Attorney Docket No. 04842.0068

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PORTABLE INTERNET SERVER TERMINAL

the specification of which was filed as United States Application Serial No. 08/827,263 on March 28, 1997.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER ASSIGNED (if any)		

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With full power to act on its behalf before the U.S. Patent and Trademark Office in connection with prosecuting this application and with filing and prosecuting divisional and continuing applications of this application.

All correspondence for this application and for such divisional and continuing applications is to be directed to:

ALAN ISRAEL, ESQ.
Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York, New York 10017-6105
Tel.: (212) 697-3750

Respectfully submitted,

By:



Daniel R. McGlynn
Registration No. 26,570
Attorney For applicant

Symbol Technologies Inc.
One symbol Plaza MS A-6
Holtsville, New York 11742
Tel: 738-631-4627
Dated: December 18, 2000

09/651,844

Attorney Docket No. 538B

Patent Application
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Herrod, A.

Serial No.: 09/~~589,514~~ 09/651,844

Filed: June 8, 2000

For: LINK COST MINIMIZATION FOR PORTABLE WIRELESS
TERMINAL CONNECTABLE TO THE INTERNET

**Associate Power Of Attorney &
Change Of Correspondence Address**

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

The undersigned being an attorney of record, on behalf of Symbol Technologies
Inc., owner of the above patent application, hereby appoints as attorney:

Alan Israel, Esq., Registration No. 27,564;

Who is a member of:

Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York, New York 10017-6105

09/651,844

REMARKS

In U.S. Patent Application Serial No. 08/827,263 (the parent application), filed March 28,1997, the Examiner required restriction to one of Groups I, II, III, IV, in an restriction requirement dated June 23,1999.

The instant divisional application is directed to Group IV (originally pending claims 81-83), drawn to optimizing data transmission by cost (class 790, subclass 238). To expedite prosecution, a new set of claims 58-75 has been proposed. The new set of claims is directed to the invention of Group IV, which is hereby elected for prosecution in this divisional.

Although the correct inventors were named in the parent application when filed, the election of the instant application resulted in the cancellation of claims so that less than all of the originally named inventors are the actual inventors of the invention claimed in the instant application. In the instant application, the inventor is Allan Herrod. Under the provisions of 37 C.F.R. § 1.160(b)(4), it is ~~requested that all inventors, except Allan HERROD, be deleted since he is the~~ sole inventor of Group IV.

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Enclosed is an Associate Power of Attorney and Change of Correspondence

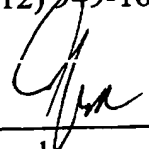
Address to the undersigned for entry into the file.

Alan ISRAEL, Esq.
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
489 Fifth Avenue
New York, New York 10017

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.
Attorneys for Applicant(s)
489 Fifth Avenue
New York, New York 10017-6105
Tel: (212) 697-3750
Fax: (212) 949-1690



Alan Israel
Registration No. 27,564